



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

December 2, 2011

Irwin Kishner
Herman Kishner Trust
252 Convention Center Drive, Ste 12A
Las Vegas, NV 89109

Maryland Square Shopping Center, LLC
c/o Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

Subject: **Draft Schedule for the Corrective Action Plan for Groundwater, Maryland Square PCE Site**

Facility: Al Phillips the Cleaner (former)
3661 S. Maryland Parkway
Las Vegas, Nevada
Facility ID: **H-000086**

Dear Mr. Swickard and Mr. Kishner:

The Nevada Division of Environmental Protection (NDEP) received the ***Draft Schedule for the Corrective Action Plan for Groundwater***, prepared by Tetra Tech on behalf of the Herman Kishner Trust (Trust) and Maryland Square Shopping Center, LLC, (MSSC, LLC) dated October 24, 2011 and received in hard copy by the NDEP on October 27, 2011.

NDEP Comments

The Permanent Injunction (December 27, 2010) allows 180 days for the Correction Action Report for Groundwater to be submitted, after NDEP approval of a CAP for Groundwater and schedule for implementation of the CAP. The NDEP has concurred with the CAP for Groundwater (June 14, 2011), following the receipt of the ***Addendum to the Draft Corrective Action Plan for Groundwater*** (August 25, 2011). This letter comments on the ***Draft Schedule for the Corrective Action Plan for Groundwater***, submitted October 24, 2011.

The NDEP's comment letter of April 26, 2011 (Attachment 1, Comment 6) stated "*The NDEP does not concur with sequential bench-scale and pilot-scale testing; the schedule should be revised so that tests for viable alternatives should be conducted concurrently, so as not to further delay progress toward implementing a remedy.*" However, the draft schedule submitted on October 24, 2011 proposes conducting the pilot tests



sequentially, with air sparging and soil vapor extraction (AS/SVE) testing to be done February 15th to 28th, ozone peroxide sparging testing to be done March 1st to April 15th, and persulfate pilot testing to be done April 15th through May 30th. The due date of the corrective action report is proposed to be July 15, 2012.

Field work at the site is proposed to begin in early January, 2012; the Boulevard Mall requested no field work be conducted during the busy holiday shopping season. Accordingly, the NDEP understands that all preparations (permitting, contracting, etc.) will be conducted during December, 2011, so that field work may commence without delay at the start of January.

NDEP Requirements

This letter provides conditional concurrence with the proposed schedule. The NDEP requests that the pilot tests be conducted in a shorter time frame; either simultaneously or staggered, rather than sequentially as proposed in the October 24, 2011 submittal. By December 16, 2011, please submit a revised schedule to reflect non-sequential application of the pilot tests, so the NDEP can concur with the schedule. Accordingly, the Corrective Action Report would be due on June 29, 2012. Due to site constraints over the holidays, the NDEP considers that the 180 days specified in the Permanent Injunction would commence on January 2, 2012.

If you have any questions or require additional information regarding this letter, contact me by telephone at (775) 687-9496 or e-mail at msiders@ndep.nv.gov.

Sincerely,



Mary A. Siders, Ph.D.
Bureau of Corrective Actions
Fax (775) 687-8335

cc: Greg Lovato, Supervisor, Bureau of Corrective Actions, NDEP, Carson City, NV
Todd Croft, Supervisor, BCA, NDEP, Las Vegas, NV
Carolyn Tanner, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Jasmine Mehta, State of Nevada, Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Ebrahim Juma, Assistant Planning Manager ejuma@cleanwaterteam.com
Joseph R. Leedy, Principal Planner jleedy@cleanwaterteam.com
Kathryn L. Hoffmann, Planner khoffmann@cleanwaterteam.com
Dennis Campbell, Southern Nevada Health District campbell@snhdmail.org
Tim Swickard, Dongell Lawrence Finney LLP tswickard@dlflawyers.com
Paul G. Roberts, Vice President and General Counsel, The Interface Group proberts@tigmass.com
Tamara Pelham, Tetra Tech EMI, 639 Isbell Road, Reno, NV 89509 tamara.pelham@tetrattech.com
Peter Krasnoff, P.E., WEST, Inc., 711 Grand Avenue, Suite 220, San Rafael, CA 94901 peterk@westenvironmental.com

Lynne S. Stella, Manager of Environmental Services, General Growth Properties, Inc., 110 N. Wacker Drive, Chicago, IL 60606 lynne.stella@ggp.com

Scott Telford, Clark County Development Services, Department, 4701 W. Russell Rd, Las Vegas, NV 89118
telfords@ClarkCountyNV.gov

Ric Jimenez, General Manager, The Boulevard Mall, 3528 S. Maryland Parkway, Las Vegas, NV 89169
ric.jimenez@ggp.com

Michael Houghtaling, P.E., Senior Engineer, Clark County Department of Development Services, 4701 Russell Rd, Las Vegas, NV 89118 mhoughta@co.clark.nv.us

Jack Stoberski, General Manager, Las Vegas National Golf Course jstoberski@lasvegasnational.com

Robert G. Russell, Procopio, Cory, Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101
bob.russell@procopio.com

Steven J. Parsons, Law Offices of Steven J. Parsons, 7201 W. Lake Mead Blvd., Suite 108, Las Vegas, Nevada 89128-8354
steve@sjplawyer.com

Andrew Stuart, Senior Project Manager, ATC Associates, 2925 E. Patrick Lane, Suite M, Las Vegas, NV 89120
andrew.stuart@atcassociates.com

cc: Joe Blagg, Project Manager, Diversified Real Estate Group, 4255 Dean Martin Rd, Ste J, Las Vegas, NV 89103

John Griffin, Kaempfer Crowell, 510 W Fourth St., Carson City NV 89703.

John Knott, CBRE, 3993 Howard Hughes Parkway, Suite 700, Las Vegas, NV 89169

Jan Greben, 1332 Anacapa, Suite 110, Santa Barbara, CA 93101

Alexander Robertson, 880 Hampshire Road, Suite B, Westlake Village, CA 91361

Tamara Williams, Clark County Community Liaison, 3900 Cambridge Suite #111, Las Vegas, NV 89119

Jan Villaire, Coordinator, Environmental Compliance, Safety & Environmental Services, 1700 Galleria Drive, Bldg C, Henderson, NV 89014

Jeffrey T. Oberman, Levin & Oberman, 361 N. Canon Dr., Beverly Hills, CA. 90210

Glenn D. Phillips, The Travelers Companies, Inc., SLCU-Suite 160, 4650 Westway Park Blvd., Houston Texas 77041